

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MADALYN M. SOULLIERE,

Plaintiff,

Case No. 23-cv-10596
Hon. Matthew F. Leitman

v.

NORMA HERR WOMEN’S CENTER,

Defendant,

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 24), (2) DISMISSING PLAINTIFF’S
COMPLAINT (ECF No. 1), (3) GRANTING PLAINTIFF LEAVE TO FILE
A FIRST AMENDED COMPLAINT, AND (4) DENYING WITHOUT
PREJUDICE DEFENDANT’S MOTION TO DISMISS (ECF No. 18)**

On March 14, 2023, Plaintiff Madalyn M. Soulliere filed this action against Defendant Norma Herr Women’s Center (the “Center”). (*See* Compl., ECF No. 1.) In the Complaint, Soulliere appears to claim that during her stay at the Center in May 2022, her belongings were stolen and she was subjected to sexual harassment. (*See id.*) On June 7, 2023, the Center moved to dismiss Soulliere’s Complaint. (*See* Mot. to Dismiss, ECF No. 18.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 9.)

On December 26, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended that the Court “(1) deny without prejudice [the Center’s] motion to dismiss; (2) dismiss Soulliere’s complaint; (3)

give [Soulliere] 21 days to file an amended complaint that conforms with Federal Rule of Civil Procedure 8; and (4) stay [the Center's] obligation to answer or otherwise respond to any such amended complaint until further order of the Court, which will give the Court an opportunity to assess Soulliere's compliance with the mandates specified herein before Defendant is forced to act" (the "R&R"). (R&R, ECF No. 24, PageID.119.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.121.)

Neither Soulliere nor the Center has filed any objections to the R&R. Nor has either party contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (where party fails to file "timely objections" to report and recommendation, court may accept that recommendation "without expressing any view on the merits of the magistrate's conclusions"). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because neither party has filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended dispositions of the Center's motion and Soulliere's Complaint are **ADOPTED**.

IT IS FURTHER ORDERED that:

- The Center's motion to dismiss (ECF No. 18) is **DENIED WITHOUT PREJUDICE**;
- Soulliere's Complaint ECF No. 1 is **DISMISSED WITHOUT PREJUDICE**;
- Soulliere is **GRANTED LEAVE** to file a First Amended Complaint as described in the R&R by no later than **February 19, 2024**; and
- The Center need not answer or otherwise response to the First Amended Complaint until further order of the Magistrate Judge.

Soulliere's failure to file a First Amended Complaint by February 19, 2024, that complies with the applicable Federal Rules of Civil Procedure may result in the dismissal of her case with prejudice.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 17, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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